

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RONALD W. STONE INDIVIDUALLY,	§	
AND AS JUDGMENT CREDITOR	§	
ASSIGNEE AND HOLDER OF	§	
CERTAIN RIGHTS OF	§	
CLIFTON MYERS FINANCIAL	§	
ADVISORY, INC. AND	§	
CLIFTON MYERS	§	
<i>Plaintiff,</i>	§	
v.	§	CIVIL ACTION NO. 1:21-cv-00960-DAE
	§	
NATIONWIDE MUTUAL INSURANCE	§	
COMPANY D/B/A NATIONWIDE	§	
INSURANCE, NATIONAL CASUALTY	§	
COMPANY,	§	
	§	
<i>Defendants.</i>	§	

JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT

Pursuant to the Proposed Scheduling Order¹ adopted by the court and Local Rule CV-88, Plaintiff Ronald W. Stone individually and as judgment creditor, assignee and holder of certain rights of Clifton Myers Financial Advisory, Inc. and Clifton Myers (“Plaintiffs”) and Defendants Nationwide Mutual Insurance Company and National Casualty Company (“Defendants”) (collectively, the “Parties”), file this Joint Alternative Dispute Resolution Report, respectfully showing the Court as follows:

INFORMATION REQUIRED BY RULE CV-88(b)

1. **Status of Settlement Negotiations.** As required by the Court’s Scheduling Order, Plaintiffs submitted a written offer of settlement to Defendant on October 3, 2022, and Defendant responded on November 4, 2022. The Parties have agreed to attend mediation with Don Philbin.

¹ Doc. No. 33.

2. **Identity of the person responsible for settlement negotiations.** Plaintiffs' counsel, Ben Yelverton and Defendants' counsel, Patrick M. Kemp, are responsible for settlement negotiations.

3. **Whether alternative dispute resolution is appropriate in this case.** The Parties agree ADR is appropriate for this case, and that mediation is the method most likely to result in a mutually agreeable resolution of the Parties' dispute. The Parties have discussed potential mediators and agreed to utilize mediator Don Philbin. The Parties further agree that Mr. Philbin will be compensated by Plaintiffs paying one-half of his fee and Defendants paying one-half of his fee.

4. **Timing for alternative dispute resolution.** The Parties have agreed to attend mediation with Don Philbin and will set mediation as early as practicable.

Respectfully submitted,

AGREED:

/s/ Benjamin Yelverton (w/ permission PMK)

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**ATTORNEYS FOR DEFENDANTS
NATIONWIDE MUTUAL INSURANCE
COMPANY AND NATIONAL CASUALTY
COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF this the 15th day of November, 2022 to:

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